

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

NO. 4:23-CV-002-FL

KAROLINA SORENSSON,

Plaintiff,

v.

STATE OF NORTH CAROLINA, ROY
COOPER, Governor, MATT DELBRIDGE,
DA, TAYLOR CARRERE, and CHELSEA
FLYNT, Assistant DA,

Defendants.

ORDER

This matter is before the court for review of plaintiff's pro se complaint, (DE 1-1), pursuant to 28 U.S.C. § 1915(e). United States Magistrate Kimberly A. Swank entered order and memorandum and recommendation ("M&R"), pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), wherein it is recommended that the court dismiss plaintiff's complaint. (DE 5). Plaintiff objected to the M&R. In this posture, the issues raised are ripe for ruling. For the following reasons, the court dismisses plaintiff's complaint.

BACKGROUND

Plaintiff initiated this action January 11, 2023, by moving for leave to proceed in forma pauperis. In the instant order and M&R, the magistrate judge allowed plaintiff to proceed in forma pauperis and, on frivolity review, recommended that plaintiff's complaint be dismissed. Plaintiff filed objections after obtaining an extension of time.

The court adopts and incorporates herein by reference in full the M&R's factual summary. (See M&R (DE 5) at 2-3). To the extent plaintiff raises new factual assertions in her objections, they are not properly before the court.

DISCUSSION

A. Standard of Review

The district court reviews de novo those portions of a magistrate judge's M&R to which specific objections are filed. 28 U.S.C. § 636(b). The court does not perform a de novo review where a party makes only "general and conclusory objections that do not direct the court to a specific error in the magistrate's proposed findings and recommendations." Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). Absent a specific and timely filed objection, the court reviews only for "clear error," and need not give any explanation for adopting the M&R. Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). Upon careful review of the record, "the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Under 28 U.S.C. § 1915(e)(2), the court may dismiss an action that is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.

B. Analysis

The M&R identifies plaintiff's claims against defendants as arising under 42 U.S.C. § 1983, if anything. The magistrate judge concluded that plaintiff fails to state claims upon which relief can be granted and that she seeks monetary relief against defendants immune from such relief.


Plaintiff's objections sound as factual allegations against defendants and other parties not before the court rather than legal arguments directed toward the reasoning of the magistrate judge. Plaintiff recapitulates allegations in her complaint and attaches a character letter, neither of which address the magistrate judge's conclusion that defendants are immune from the relief plaintiff seeks.

Upon careful review of the M&R, in light of the absence of specific objections, the court finds the magistrate judge's analysis to be thorough, and there is no clear error.

CONCLUSION

Based on the foregoing, the court ADOPTS the recommendation in the M&R (DE 5). Plaintiff's complaint is DISMISSED. The clerk of court is DIRECTED to close the case.

SO ORDERED, this the 3rd day of October, 2023.



LOUISE W. FLANAGAN
United States District Judge